

# Fair Political Practices Commission

## Biennial Notice

January 2009

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TO: State Agencies

FROM: Fair Political Practices Commission  
(866) 275-3772 -or- (916) 322-5660

RE: 2009 Conflict-of-Interest Code  
Biennial Review and Report

The Political Reform Act requires every state agency to review its conflict-of-interest code biennially and submit a report to the Fair Political Practices Commission that specifies if the code must be amended or, in the alternative, that the code accurately reflects the current organization of the agency and the job duties of the various positions listed in the code. The enclosed 2009 State Agency Biennial Report must be completed by a representative of your agency and returned to the FPPC no later than March 2, 2009. **Please note that you are not required to submit the code amendment along with the Biennial Report.**

If your agency's code needs amending, the amendment must be submitted to the FPPC for approval within 90 days from the date the biennial report is filed. For example, if your agency files its report on March 2, 2009, the amendment must be submitted to the FPPC by June 1, 2009. **Amendments to an agency's code are not effective until approved by the FPPC and filed for publication with the Office of Administrative Law.**

Certain procedures must be followed to amend a conflict-of-interest code. Amendments to a code are classified as substantive (Regulation 18750) or non-substantive (Regulation 18752), depending on the types of

revisions that need to be made. (These regulations are available on the FPPC website.) General procedures for making substantive and non-substantive amendments are discussed in the attached fact sheet, "How to Amend a State Agency Conflict-of-Interest Code."

Generally, most state agencies will need to amend their code to add new positions, delete old positions, or revise position titles. In addition, it is important that each agency review its disclosure categories to ensure that all of the types of financial interests that could pose a conflict of interest for an individual are disclosed. However, disclosure categories must also be tailored so that only those financial interests that could be affected by the individual's decision making would be reported. Model disclosure categories are attached and can also be found on our website. These categories are intended to help you develop language for disclosure categories. At this time, you may want to examine your existing disclosure categories and determine if one or more of the approved models would be better. If replacing one or more of your categories with the model categories increases or significantly decreases reporting for any of your designated employees, you may be required to amend your code through the procedures described in Regulation 18750.

In February of this year, the FPPC will be hosting four workshops on amending a state agency's conflict-of-interest code (see the enclosed schedule for dates, times, and location). We encourage anyone in your agency involved in the code amending process to attend one of these workshops.